

sequence, and polynucleotides encoding N, P and L proteins under conditions sufficient to permit the co-expression of the polynucleotides and production of the recombinant virus; and

(b) isolating the virus produced by the host cell.

17. (new) The method of Claim 16 wherein the recombinant virus is derived from RSV.

18. (new) The method of Claim 16 wherein the recombinant virus is derived from PIV. - -

### REMARKS

This application is a Divisional Application of Serial No. 09/161,122, filed on September 25, 1998 which claims priority to Application Serial No. 60/089,207, filed on June 12, 1998, which claims priority to application 60/084,133, filed on May 1, 1998, which claims priority to Application Serial No. 60/060,153 filed on September 26, 1997.

Claims 1-6 were pending in this application. New claims 7 to 18 have been added to more particularly point out and distinctly claim the subject matter that Applicant regards as the invention. Therefore, claims 7 to 18 will be pending in this application upon entry of the instant amendment by the Examiner. A copy of the claims as amended herein is attached hereto as Exhibit A. The new claims are fully supported by the instant specification, see, *e.g.*, pages 1-2, 6, 15-16, and 30-33, and do not represent new matter.

Applicants respectfully requests entry of the amendments and remarks made herein into the file history of the instant application.

Respectfully submitted, by:

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**EXHIBIT A**

**THE CLAIMS WHICH WILL BE PENDING  
UPON ENTRY OF THE INSTANT AMENDMENT  
(filed March 2, 2001)  
U.S. PATENT APPLICATION SERIAL NO. 09/724,379**

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7. (new) An isolated polynucleotide molecule comprising an operably linked transcriptional promoter, a polynucleotide encoding a genome or antigenome of a paramyxoviridae and a transcriptional terminator, wherein said polynucleotide sequence encoding said paramyxoviridae is modified by introduction of a heterologous sequence.
8. (new) The polynucleotide of Claim 7 wherein the viral genome is derived from respiratory syncytial virus.
9. (new) The polynucleotide of Claim 7 wherein the viral genome is derived from parainfluenza virus.
10. (new) The polynucleotide of Claim 7 wherein the heterologous sequence is derived from respiratory syncytial virus (RSV).
11. (new) The polynucleotide of Claim 7 wherein the heterologous sequence is derived from parainfluenza virus (PIV).
12. (new) An isolated polynucleotide molecule comprising an operably linked transcriptional promoter, a polynucleotide encoding a genome or antigenome of a paramyxoviridae and a transcriptional terminator, wherein said polynucleotide sequence

encoding said paramyxoviridae is modified by introduction of a heterologous sequence, or by a nucleotide insertion or deletion.

13. (new) The isolated polynucleotide of Claim 12 wherein said nucleotide modification species is an attenuated phenotype.

14. (new) The polynucleotide of Claim 12 wherein the viral genome is derived from RSV.

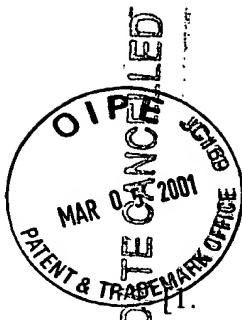
15. (new) The polynucleotide of Claim 12 wherein the viral genome is derived from PIV

16. (new) A method for producing a recombinant paramyxoviridae comprising:

- (a) providing to a host cell a polynucleotide encoding a paramyxoviridae genome modified by the introduction of a mutation or a heterologous sequence, and polynucleotides encoding N, P and L proteins under conditions sufficient to permit the co-expression of the polynucleotides and production of the recombinant virus; and
- (b) isolating the virus produced by the host cell.

17. (new) The method of Claim 16 wherein the recombinant virus is derived from RSV.

18. (new) The method of Claim 16 wherein the recombinant virus is derived from PIV.



**EXHIBIT B**

**MARKED VERSION OF CLAIMS**  
**U.S. PATENT APPLICATION SERIAL NO. 09/724,379**

1. An isolated polynucleotide molecule comprising an operably linked transcriptional promoter, a polynucleotide sequence encoding a paramyxovirus genome and a transcriptional terminator wherein said polynucleotide sequence encoding said paramyxovirus genome is modified by introduction of a heterologous sequence.
2. The polynucleotide of Claim 1 wherein the paramyxovirus is respiratory syncytial virus.
3. The polynucleotide of Claim 1 wherein the paramyxovirus is parainfluenza virus.
4. A method for producing a recombinant paramyxovirus comprising:
  - a. providing to a host cell a polynucleotide encoding a paramyxoviral genome modified by the introduction of a mutation or a heterologous sequence, and polynucleotides encoding N, P and L proteins under conditions sufficient to permit the co-expression of the polynucleotides and the production of recombinant virus; and
  - b. isolating the virus produced by the host cell.
5. The method of Claim 4 wherein the virus is respiratory syncytial virus.

6. The method of Claim 4 wherein the virus is parainfluenza virus.]

7. (new) An isolated polynucleotide molecule comprising an operably linked transcriptional promoter, a polynucleotide encoding a genome or antigenome of a paramyxoviridae and a transcriptional terminator, wherein said polynucleotide sequence encoding said paramyxoviridae is modified by introduction of a heterologous sequence.

8. (new) The polynucleotide of Claim 7 wherein the viral genome is derived from respiratory syncytial virus.

9. (new) The polynucleotide of Claim 7 wherein the viral genome is derived from parainfluenza virus.

10. (new) The polynucleotide of Claim 7 wherein the heterologous sequence is derived from respiratory syncytial virus (RSV).

11. (new) The polynucleotide of Claim 7 wherein the heterologous sequence is derived from parainfluenza virus (PIV).

12. (new) An isolated polynucleotide molecule comprising an operably linked transcriptional promoter, a polynucleotide encoding a genome or antigenome of a paramyxoviridae and a transcriptional terminator, wherein said polynucleotide sequence encoding said paramyxoviridae is modified by introduction of a heterologous sequence, or by a nucleotide insertion or deletion.

13. (new) The isolated polynucleotide of Claim 12 wherein said nucleotide modification species is an attenuated phenotype.

14. (new) The polynucleotide of Claim 12 wherein the viral genome is derived from RSV.

15. (new) The polynucleotide of Claim 12 wherein the viral genome is derived from PIV

16. (new) A method for producing a recombinant paramyxoviridae comprising:

- (a) providing to a host cell a polynucleotide encoding a paramyxoviridae genome modified by the introduction of a mutation or a heterologous sequence, and polynucleotides encoding N, P and L proteins under conditions sufficient to permit the co-expression of the polynucleotides and production of the recombinant virus; and
- (b) isolating the virus produced by the host cell.

17. (new) The method of Claim 16 wherein the recombinant virus is derived from RSV.

18. (new) The method of Claim 16 wherein the recombinant virus is derived from PIV.